

**IN THE DRAWINGS:**

*Please add "FIG. 5" as per the enclosed New Sheet.*

### **REMARKS**

In response to the non-final Office Action of February 4, 2011, the specification has been amended and Figure 5 has been newly presented. The specification has been amended to expressly recite that the mobile terminal disclosed in the specification comprises a graphic user interface according to the invention and a processor, in addition to a memory, which was already recited in the specification. New Figure 5 has been added in order to provide an illustration of this mobile terminal. Applicants respectfully submit that neither amendment introduces new matter, as the application and claims as originally filed set forth that the apparatus or mobile terminal according to the invention comprises a graphic user interface, a memory (storage medium) and a processor, in addition to the fact that it would be clear to a person having ordinary skill in the art upon reading the specification that in order to implement "the method for displaying a menu on a display of a mobile terminal" in accordance with the invention, the mobile terminal would comprise the graphic user interface according to the invention, as well as a processor. It is further respectfully submitted that this amendment is permissible after a final office action because the amendment places the application in better condition for appeal (37 C.F.R. 1.116).

No claims have been amended.

### **Claim Rejections- 35 U.S.C. § 112**

At page 2 of the Office Action, claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is specifically asserted that the claim attempts to use "means plus function" language, but the claim is written in such a way that it is "impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, second paragraph." Applicants respectfully disagree.

Claim 30 recites an apparatus comprising "means for displaying," "means for activating," and "means for displaying." In each instance, the phrase "means for" is followed by a function. As stated in MPEP § 2181: "A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis: (A) the claim limitations must use the phrase 'means for' or 'step for'; (B) the 'means for' or 'step for' must be modified by functional language; and (C) the phrase 'means for' or 'step for' must not be

modified by sufficient structure, material, or acts for achieving the specified function.” In claim 30, the claim uses the phrase “means for” in reference to three limitations, thereby satisfying prong (A) of the analysis. Each of the “means for” is modified by functional language (“means for displaying”, “means for activating”, “means for displaying”), thereby satisfying prong (B) of the analysis. Lastly, none of the three “means for” is modified by sufficient structure, material, or acts for achieving the specified function, thereby satisfying prong (C) of the analysis. Therefore, claim 30 clearly complies with 35 U.S.C. 112, sixth paragraph and it is possible to determine equivalents of the “means for” elements in claim 30.

Therefore, Applicants respectfully submit that claim 30 is compliant with 35 U.S.C. 112, second and sixth paragraphs, and is in allowable form.

#### **Claim Rejections- 35 U.S.C. 103**

At page 3 of the Office Action, claims 1-4, 6-11, 13-27, 30 and 33-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. 5,623,613, hereinafter Rowe) in view of Sciammarella et al. (U.S. 7,051,291, hereinafter Sciammarella).

With respect to claim 1, it is asserted that Rowe (Figures 4 and 6) teaches the claimed invention, except that it does not teach displaying the magnified version of at least a portion of a selection element adjacent the active selection element. However, it is asserted that Sciammarella teaches a next portion of the selection element being magnified as disclosed in Figure 1, icons 25 and 26, and column 3, line 20-column 4, line 10. Applicants further note that despite relying on Sciammarella for displaying the magnified version of at least a portion of a selection element adjacent the active selection element, the Office asserts on page 19 of the Office Action in the Response to Arguments section that Figure 4 of Rowe does teach this feature of the claim. Applicants respectfully disagree.

Rowe is directed to a system for displaying programming information, such as television programming information which is presented via a schedule display having a category display 52, a sub-category display 54, and a program display 56 as shown in Figures 2 and 3. However, Rowe fails to disclose the magnifying of at least a portion of an adjacent tile (selection element), such as the “Special” or “Talk Shows” tiles as shown in Figure 2 of Rowe. The Office specifically asserts that the “Basketball” tile in Figure 4 is

magnified adjacent to the "Sports" tile. An examination of Figure 4 shows however that the "Basketball" tile is not magnified, but is the same size as every other tile in that column ("Baseball", "Auto Racing", etc.). Thus, for this reason, in addition to the Office's assertion that Rowe does not teach this feature (Office Action, pages 4, 7, 10, 11, 13 and 15), it is clear that Rowe does not teach or suggest displaying at least a magnified version of at least a portion of a selection element adjacent the active selection element.

Sciammarella relates to a device for managing image and audio files display thumbnails on a screen in different arrangements (Sciammarella, Abstract). Figure 1 shows the thumbnails arranged in a line layout. A focus outline (24) surrounds the center-most, or focus thumbnail (25) (Sciammarella, column 3, lines 36-38). It is asserted by the Office that adjacent to the focus, information tab (26) and the image of the ball are magnified, and thus, Sciammarella teaches displaying at least a magnified version of at least a portion of a selection element adjacent the active selection element. Applicants respectfully disagree.

The information tab is displayed as part of the focus outline, and includes information about the focus thumbnail, such as a file name, date, size and file type of the data object corresponding to the focus thumbnail. The information tab therefore cannot even be considered a selection element adjacent the active selection element, let alone a magnified version of a selection element, as the information tab does not appear until after highlighting a thumbnail and the information tab cannot be selected. The image of the ball is also not magnified. This thumbnail is the same size as several of the thumbnails in the line, such as IMAGE 20.JPG.jpg, MUSIC04.MSA, and MUSIC03.MSA. The Office refers to column 3, line 20 through column 4, line 10, however, there is nothing in this passage of Sciammarella that suggests any particular thumbnail, particularly the one corresponding to the image of the ball, is magnified. If there is any difference in the size of the thumbnails, it is not because a thumbnail adjacent to the focus thumbnail is being magnified, it is rather because some thumbnails happen to be larger than others (See, for example, Figure 3, where small and large thumbnails are scattered throughout the arrangement and their location relative to the focus thumbnail is not related to their size). Therefore, Applicants respectfully submit that Sciammarella fails to disclose or suggest displaying at least a magnified version of at least a portion of a selection element adjacent the active selection element.

Because neither Rowe nor Sciammarella discloses or suggests displaying at least a magnified version of at least a portion of a selection element adjacent the active selection element, it is respectfully submitted that claim 1 is not obvious in view of Rowe and Sciammarella, and is in allowable form.

Because independent claims 11, 19, 21, 22, 24, 26, 30 and 40 also comprise the above-recited feature in claim 1 and are rejected for similar reasons, it is respectfully submitted that these claims are also not suggested by Rowe in view of Sciammarella, and are in allowable form.

At least in view of their dependency on the independent claims, it is respectfully submitted that claims 2-4, 6-10, 13-18, 20, 23, 25-27, 29, 32-39 and 41-45 are also in allowable form.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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